

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE PET FOOD PRODUCTS
LIABILITY LITIGATION

CASE NO. MDL DOCKET NO. 1850

**DECLARATION OF MICHAEL
GREEN OF DEFENDANT NUTRO
PRODUCTS, INC. IN SUPPORT
OF DEFENDANTS' MOTION TO
LIMIT THE RETENTION OF
RECALLED PET FOOD AND
RAW WHEAT GLUTEN**

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

MICHAEL GREEN, being duly sworn, declares and says the following, under penalty of perjury:

1) I am the Vice President of Operations of Defendant Nutro Products, Inc. ("Nutro"). I am making this Declaration based upon personal knowledge and am competent to testify to the matters stated below.

2) In my position as Vice President of Operations for Nutro, my duties and responsibilities include managing and overseeing the storage of recalled Nutro pet food products, and overseeing Nutro's efforts to combat infestation of same.

Exhibit 8

3) In Spring 2007, recalls of pet foods that may have been tainted with contaminated wheat gluten were issued, in which Nutro and other Defendants participated. The Nutro products subject to the recalls were all “wet” style pet food products that were co-manufactured for Nutro by Defendant Menu Foods, Inc. (“Menu”). As a result of the recalls, the majority of recalled Nutro products were returned by customers directly to Menu, at Menu’s request. In addition, a portion of the recalled Nutro products were returned to and collected by Nutro. Nutro estimates that it has over 1.5 million cans and pouches of recalled pet foods that are currently stored in two warehouses. The warehouses are located at 1031 Tennessee Blvd., Lebanon, Tennessee, and 400 South Covina Boulevard, La Puente, California.

4) The products stored in Tennessee have been inventoried by product type (or “SKU”) and date of manufacture (collectively “SKU date”). Some of this product is stored in cases and stacked on full or partial pallets. The remaining product was returned to Nutro in large containers that were not organized by SKU or SKU date (commonly referred to as “banana boxes”), and that product remains in storage in the manner in which it was returned to Nutro.

5) The products stored in Tennessee have been inventoried by a professional inventory services company. The inventory indicated that there are approximately 1,489,699 units of product in the Tennessee warehouse. This total includes both organized and unorganized product, including some items that were returned to Nutro that were not subject to the Spring 2007 recalls and items that are not Nutro products.

6) I have been informed that 154 SKU dates of Nutro products were subject to the Menu Foods recall. The Tennessee inventory identified units from 83 of those SKU dates. Between the inventoried product in Nutro's possession in Tennessee and that in Menu Foods's possession, units of product from 151 of the 154 SKU dates have been identified. I have obtained this information from the inventory attached hereto as Exhibit A, which combines the SKU date inventory of the Nutro Tennessee product with a SKU date inventory of organized product in Menu Foods's possession, provided by Menu Foods. For the remaining 3 SKU dates, for which no units of product have been identified (commonly referred to as "zero SKU days"), it is my understanding that Menu Foods has documentation of the source of the wheat gluten that was used in manufacturing those products.

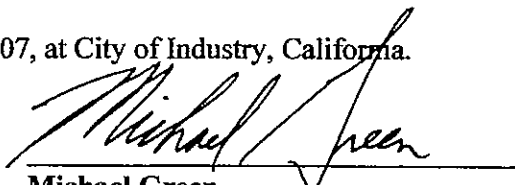
7) The products stored in California have not been inventoried but constitute a far smaller amount of product than that in Tennessee, totaling roughly four to six truckloads of product. Nutro attempted to conduct an inventory of the product in California, through a professional inventory services company, but due to a suddenly manifested pest infestation of this product, the inventory services company has been unable to inventory the product to date. Nutro is undertaking measures to address the infestation, in order to allow the product to be inventoried and sampled safely and effectively.

8) To the best of my knowledge, Nutro does not have any raw wheat gluten in its possession that was subject to the Spring 2007 recalls, nor does it have any product referred to as "work in progress." Accordingly, only the portion of Dr. McCabe's proposed sampling plan that applies to finished products (cans and pouches) applies to Nutro.

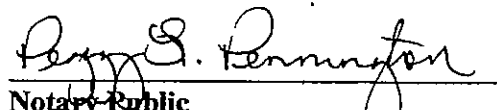
9) I have a general understanding of Dr. McCabe's proposed sampling plan for the Defendants' products, as described in the Declaration of Dr. George P. McCabe in Support of Del Monte's Motion, filed on November 16, 2007. Nutro will be able to gather its product in accordance with the sampling plan recommended by Dr. McCabe, to the extent that there is product available for each SKU date.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2007, at City of Industry, California.


Michael Green

Sworn to and subscribed in my presence by the said Michael Green, this 7 day of December 2007.


Notary Public

State of California
County of Los Angeles

My Commission expires: September 21, 2008

